



AN ACT GENERALLY REVISING LAWS APPLYING TO BOILERS; CREATING A LICENSE FOR A LIMITED LOW-PRESSURE ENGINEER LICENSE; CREATING LICENSE REQUIREMENTS; ALLOWING THE DEPARTMENT OF LABOR AND INDUSTRY TO ASSESS FEES FOR LICENSING; PROVIDING INSPECTION REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY TO MAKE RULES PERTAINING TO LICENSURE AND LICENSURE FEES; AMENDING SECTIONS 50-74-303 AND 50-74-304, MCA; AND REPEALING SECTIONS 50-74-203 AND 50-74-219, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Qualifications of boiler inspectors -- fees for inspections.** (1) A person employed by the department to enter premises and inspect boilers or machinery subject to this chapter must:

- (a) have 5 years of actual experience in the operation or inspection of boilers or steam-driven equipment; and
- (b) hold or possess the necessary qualifications to obtain either a stationary engineer's license or a commission issued by the national board of boiler and pressure vessel inspection code.

(2) The department shall establish a schedule of fees and may collect fees for the inspection of boilers prior to the issuance of a boiler operating certificate. The fees must be commensurate with the cost of the inspections and with appropriations for other purposes.

**Section 2.** Section 50-74-303, MCA, is amended to read:

**"50-74-303. Engineer's license classifications.** (1) Engineers entrusted with the operation, care, and management of steam or water boilers and steam machinery, as specified in 50-74-302, are divided into ~~five~~ six classes, including first-class engineers, second-class engineers, third-class engineers, agricultural-class

engineers, ~~and low-pressure engineers, and limited low-pressure engineers.~~

(2) Licenses for the operation of steam or water boilers and steam machinery are divided into ~~five~~ six classifications in accordance with the following schedule:

(a) First-class engineers are licensed to operate all classes, pressures, and temperatures of steam and water boilers and steam-driven machinery with the exception of traction and hoisting engines.

(b) Second-class engineers are licensed to operate steam boilers operating not in excess of 250 pounds per square inch gauge saturated steam pressure, water boilers operating not in excess of 375 pounds per square inch gauge pressure and 450 degrees F temperature, and steam-driven machinery not to exceed 100 horsepower per unit, with the exception of traction and hoisting engines.

(c) Third-class engineers are licensed to operate steam boilers operating not in excess of 150 pounds per square inch gauge saturated steam pressure ~~and or~~ not in excess of 150 horsepower per hour and water boilers operating not in excess of 160 pounds per square inch gauge pressure and 350 degrees F temperature.

(d) Agricultural-class engineers are licensed to operate steam boilers that operate not in excess of 150 pounds per square inch saturated steam pressure and that:

(i) are not operated for more than 6 months of the year; and

(ii) are not operated for purposes other than the harvesting or processing of agricultural products.

(e) Low-pressure engineers are licensed to operate steam boilers operating not in excess of 15 pounds per square inch gauge pressure and water boilers operating not in excess of 50 pounds per square inch gauge pressure and 250 degrees F temperature.

(f) Limited low-pressure engineers are licensed to operate hot water heating boilers not in excess of 30 pounds per square inch gauge pressure and 210 degrees F temperature and hot water supply boilers not in excess of 160 pounds per square inch gauge pressure and 210 degrees F temperature."

**Section 3.** Section 50-74-304, MCA, is amended to read:

**"50-74-304. Requirements for engineer's license.** Each applicant for an engineer's license must be physically and mentally capable of performing the required duties and must meet the following minimum requirements for the class of engineer's license for which application is being made:

(1) Except as provided in subsection (8), an applicant for a limited low-pressure engineer's license

must be 18 years of age or older, must have 2 months' full-time experience in the operation of a boiler in this classification under an engineer who holds a valid limited low-pressure or higher license, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler in this classification by the department.

~~(1)~~(2) Except as provided in subsection ~~(6)~~(7), an applicant for a low-pressure engineer's license must be 18 years of age or older, must have at least 3 months' full-time experience in the operation of a boiler in this classification under an engineer who holds a valid low-pressure or higher license, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler in this classification by the department.

~~(2)~~(3) Except as provided in subsection ~~(6)~~(7), an applicant for an agricultural-class engineer's license must be 18 years of age or older, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler in this classification by the department.

~~(3)~~(4) Except as provided in subsection ~~(6)~~(7), an applicant for a third-class engineer's license must be 18 years of age or older, must have at least 6 months' full-time experience in the operation of a boiler in this classification under an engineer holding a valid third-class or higher license, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler in this classification by the department.

~~(4)~~(5) An applicant for a second-class engineer's license must be 18 years of age or older and:

(a) must have at least 2 years' full-time experience in the operation of a boiler and steam-driven machinery in this classification under an engineer holding a valid second-class or first-class license, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler and steam-driven machinery in this classification by the department; or

(b) must hold a valid third-class engineer's license, must have at least 1 year's full-time experience in the operation of a boiler and steam-driven machinery in this classification under an engineer holding a valid second-class or first-class license, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler and steam-driven machinery in this classification by the department.

~~(5)~~(6) An applicant for a first-class engineer's license must be 18 years of age or older and:

(a) must have at least 3 years' full-time experience in the operation of a boiler and steam-driven machinery in this classification under an engineer holding a valid first-class license, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler and steam-driven machinery in this classification by the department;

(b) must hold a valid second-class engineer's license, must have at least 1 year's full-time experience in the operation of a boiler and steam-driven machinery in this classification under an engineer holding a valid first-class license, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler and steam-driven machinery in this classification by the department; or

(c) must hold a valid third-class engineer's license, must have at least 2 year's full-time experience in the operation of a boiler and steam-driven machinery in this classification under an engineer holding a valid first-class license, is required to successfully pass a written examination prescribed by the department, and must be found competent to operate a boiler and steam-driven machinery in this classification by the department.

~~(6)(7)~~ As an alternative to the requirements of subsections ~~(1)(2)~~ through ~~(3)(4)~~, an applicant who is 18 years of age or older may apply for and be issued a license for any of the three classes of licenses provided for in subsections ~~(1)(2)~~ through ~~(3)(4)~~ if:

(a) the applicant completes a training course acceptable to the department that is specific to the class of boiler license sought by the applicant and successfully passes a written examination administered by the department that is specific to the class of boiler license sought by the applicant; and

(b) an engineer with a license at least equal to the class of boiler license sought by the applicant informs the department that the applicant has worked with the type of boiler for which a license is sought under the engineer's supervision for a minimum of 40 hours and that the applicant is competent to operate a boiler of the class for which licensure is sought by the applicant.

(8) As an alternative to the requirements of subsection (1), an applicant who is 18 years of age or older may apply for and be issued a limited low-pressure license provided for in subsection (1) if:

(a) the applicant completes a 6-hour training course acceptable to the department that is specific to a limited low-pressure license sought by the applicant; and

(b) an engineer with a license at least equal to the class of license sought by the applicant informs the department that the applicant has worked with the type of boiler for which a license is sought under the engineer's supervision for a minimum of 8 hours and that the applicant is competent to operate a boiler of the class for which licensure is sought by the applicant."

**Section 4. Repealer.** The following sections of the Montana Code Annotated are repealed:

50-74-203. Qualifications of boiler inspectors.

50-74-219. Fee for inspection.

**Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 50, chapter 74, and the provisions of Title 50, chapter 74, apply to [section 1].

- END -

I hereby certify that the within bill,  
SB 396, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

SENATE BILL NO. 396

INTRODUCED BY B. HOVEN

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